

## Chapter 2 — Statement of Organization (Form 410)

As explained in Chapter 1, a group or entity qualifies as a recipient committee when contributions of \$1,000 or more are received. A recipient committee is required to file a Statement of Organization (Form 410), which provides the public with information about the purpose of the committee and identifies the committee's treasurer and principal officer(s). The Form 410 is also required to be filed in order to terminate the committee. This chapter describes how to complete and file the Form 410.

Before money is raised or spent in connection with an election, committee treasurers should become familiar with the various campaign disclosure forms applicable to the type of campaign or committee involved.

### A. Committee Fees

All committees that file a Form 410 must pay a \$50 fee to the Secretary of State no later than 15 days after the Form 410 is filed. Committees must pay the fee annually by January 15 until the committee terminates. Committees that are created and pay the initial \$50 fee in the last three months of a calendar year are not subject to the annual fee in the subsequent year.

A committee that fails to timely pay the fee is subject to a penalty of \$150.

### B. Completing the Statement of Organization (Form 410)

#### Statement Type

Check the "Initial" box if this is the first filing and indicate the date on which the committee met the \$1,000 threshold or check the "Not Yet Qualified" box. If the "Not Yet Qualified" box is checked, an amended Form 410 must be filed within 10 days of reaching the \$1,000 threshold to provide the date the committee qualified.

[Insert Form 410, page 1, example]

#### Committee Name

Provide the full name of the committee. A committee may use only one name.

**Sponsored Committees:** If the committee is sponsored, the full name of its sponsor must be included in the name of the committee. (See Chapter 1 for the definition of a sponsored committee.) If the committee has more than one sponsor and the sponsors are members of an industry or some other identifiable group, the committee's name must include a term that identifies that industry or group (e.g., milk producers or police officers).

#### Committee Address

Use a street address as the address of the committee. A post office box may be used as a mailing address. The committee may have more than one mailing address.

## **County of Domicile**

Indicate the county in which the committee is located. This may be different than the county in which the committee is active.

## **Treasurer, Assistant Treasurer, and Other Principal Officers**

The committee must have a treasurer and may have an assistant treasurer. Report the names of the treasurer and assistant treasurer, along with their mailing addresses and phone numbers.

List the name of the principal officer(s) and street address. If no individual other than the treasurer is a principal officer, the treasurer must be identified as both the treasurer and the principal officer. A principal officer is an individual that is responsible for the following type of activities:

- Authorizing the content of committee communications
- Authorizing expenditures
- Determining the committee's campaign strategy

A committee may have several principal officers. If there are more than three, a committee need only identify on the Form 410 three individuals serving as principal officers.

## **Verification**

The treasurer or assistant treasurer must complete the verification. The principal officer is not required to sign the Form 410. It is not considered filed if it is not signed.

## **Bank Account**

Report the name and address of the financial institution where the committee's campaign bank is located, as well as the bank account number. If a committee has more than one bank account, only one account must be listed. If a bank account has not yet been opened at the time of filing an "Initial" Form 410, amend the Form 410 within ten days of opening the bank account to provide this information.

## **Type of Committee**

[Insert Form 410, Page 3 here]

## **General Purpose Committee**

A general purpose committee must indicate the level of government at which the committee participates. A committee is classified as either a city, county, or state committee. If a committee does not qualify as a city or county committee, it is considered a state committee.

A **city general purpose committee** makes more than 70 percent of its contributions or expenditures to support or oppose candidates or measures voted on in only one city, or in one consolidated city and county, including contributions to city general purpose committees in the same city or the same consolidated city and county.

A **county general purpose committee** makes more than 70 percent of its contributions or expenditures to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county, including contributions to county general purpose committees in the same county.

A **state general purpose committee** makes contributions or expenditures to support or oppose candidates or measures voted on in state elections, including making contributions to other state general purpose committees, or in more than one county, and does not meet the definition of city or county general purpose committee. A political party committee is also a state general purpose committee.

FPPC Regulation 18227.5 requires a general purpose committee to verify its filing jurisdiction at specified times. Chapter 1 includes a discussion on how to apply the regulation, as well as examples of when a committee would be required to change its filing jurisdiction status.

### **Description of Activity**

Provide a brief description of the committee's political activities such as whether it supports candidates or measures that share a common political affiliation.

### **Sponsored Committee**

If the committee is sponsored, list the names and addresses of all sponsors and their industry group or affiliation. (See Chapter 1 for additional information about sponsored committees).

### **Small Contributor Committee**

If the committee is a small contributor committee, check the box and provide the date the committee qualified as a small contributor committee. (See Chapter 1 for additional information about small contributor committees.)

## **C. When and Where to File the Form 410**

File the original and one copy of the Form 410 with the Secretary of State within 10 days of receiving contributions of \$1,000 or more.

Send the Form 410 to:

Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street, Room 495  
Sacramento, CA 95814

In addition, if the committee is a county or city committee, a copy of the Form 410 must be filed with the county elections office or city clerk, respectively, within the same time frame. The Form 410 may be filed prior to raising \$1,000, but then must be amended within 10 days to disclose the date qualified as a committee.

*[Example] In January, a group of citizens filed a Form 410 prior to qualifying as a county general purpose committee. On February 10, they received a number of contributions totaling more than \$1,000. By February 20, they must file an amended Form 410 with the Secretary of State (and a copy with the county elections office) showing the date the committee qualified.*

### **Committee ID**

Upon receipt of the Form 410, the Secretary of State's office will assign the committee an identification number. This number is used on all reporting forms. After filing the Form 410, you may check the Secretary of State's website to obtain your committee's identification number. Go to [www.sos.gov](http://www.sos.gov), click on the Campaign Finance link, then type the name of your committee in the Cal-Access Search space. Contact the Secretary of State's office at (916) 653-6224 with any other questions about committee identification numbers.

*[Quick Tip] If a person or group qualifies as a committee within the 90 days before the election, a Form 497 (24-Hour Contribution Report) must be filed if the committee makes contributions of \$1,000 or more. A Form 497 may be required before the committee ID # is assigned. See Chapter 10 for information about the Form 497.*

### **24-Hour Deadline for the Form 410**

**During the 90 days before an election**, a group that qualifies as a general purpose committee is required to file the Form 410 **within 24 hours** of qualifying if it makes independent expenditures of \$1,000 or more to support or oppose a candidate in that election. The Form 410 must be filed with the filing officer who will receive the committee's original disclosure statements and with the filing officer(s) for the candidate(s) supported or opposed by the independent expenditure. These filings must be submitted by fax, guaranteed overnight delivery, personal delivery, or online (if online filing is available). In addition, an original Form 410 must be filed with the Secretary of State within 10 days (regular mail be used).

**During the 16 days before an election**, a group that qualifies as a general purpose committee is required to file the Form 410 **within 24 hours** if the committee will make expenditures or receive contributions of \$500 or more in connection with an election. The Form 410 must be filed with the filing officer who will receive the committee's original disclosure statements by fax, guaranteed overnight delivery, personal delivery, or online (if online filing is available). In addition, an original Form 410 must be filed with the Secretary of State within 10 days (regular mail may be used).

*[Quick Tip] A group that qualifies as a committee in the above situations may be a primarily formed committee, not a general purpose committee. See Chapter 1 for a discussion on committee types.*

### **D. Amendments**

When any information on the Form 410 changes, a committee must file an amendment **within 10 days** of the change. This is especially important if the committee has a new treasurer or principal officer(s) since the individuals listed on the most recently filed Form 410 are liable for the committee's activity.

## 24-Hour Deadline for Amendments to the Form 410

Changes to important information require a committee to file an amendment **within 24 hours**. If, during the last 16 days before the election, any of the following changes occur, the committee must file the amended information within 24 hours with the filing officer with whom the committee files its original campaign statements:

- the name of the committee
- the treasurer or other principal officers
- any candidate or state ballot measure proponent who controls the committee
- any committee with which the committee acts jointly

The amendment provided to the filing officer with whom the committee files its original campaign statements must be delivered by personal delivery, guaranteed overnight delivery, fax, or online transmission (if online filing is available). The amendment must also be filed with the Secretary of State within 10 days (regular mail may be used).

## E. Main Campaign Reports

The FPPC website contains filing schedules for state and local elections that outline all campaign reports that may be required by a general purpose committee, as well as the deadlines for filing the reports. The main campaign reports include:

**90-Day Election Reports:** During the 90 days prior to an election, a general purpose committee is required to report certain contributions and independent expenditures within 24 hours.

- Form 496, 24-Hour Independent Expenditure Report (See Chapter 11)
- Form 497, 24-Hour Contribution Report (See Chapter 10)

**Form 460** (Recipient Committee Campaign Statement): The Form 460 is the main campaign disclosure report and provides the public with an overview of the committee's activity, including money coming in and money going out, during a specified reporting period established by law. (See Chapter 12.)

## F. Termination

There is no deadline by which a general purpose committee must terminate; however, the committee must continue to file reports until it terminates. There are specific requirements that must be met in order for a committee to terminate.

**A committee may close only if it:**

- Has ceased receiving contributions or making expenditures;
- Has no remaining funds;
- Has filed all required campaign statements disclosing all reportable transactions, including the disposition of leftover funds; and

- Has eliminated all debts and loans, or has no intention or ability to discharge debts and loans.

A committee must file a Form 410 and a final Form 460 or Form 450. On the Form 410, the "Termination" box must be checked. List the committee's identification number and the date of termination; the date of termination is generally the date all funds have been expended. Complete Section 1 and the treasurer or assistant treasurer must sign the verification.

Campaign disclosure Form 460 or Form 450 also must be filed showing that all funds have been expended and the committee has no cash on hand. Check the "Termination" box on the cover page.

File the original and a copy of the Form 410 with the Secretary of State. County and city committees must also file a copy with the local filing officer who receives the committee's original disclosure statements. File Form 450 or Form 460 in the committee's regular filing locations.

### Answering Your Questions

- Q. *Must we wait until \$1,000 is received to file a Form 410?*
- A. No. You may file a Form 410 prior to committee qualification. Check the "Not Yet Qualified" box and file an amendment to report the date the committee qualifies.
- Q. *May our committee use a mail receiving and forwarding service, such as Mail Boxes Etc., as the committee's street address on the Form 410?*
- A. No. A post office box or lock box number is not acceptable as a street address. You may use a post office box address as your mailing address.
- Q. *The Association of Heating and Air Conditioning Manufacturers pays the administrative expenses for our committee and we receive some of our contributions from payroll deductions from the Heating and Air Conditioning Engineers, Local #233. May two organizations sponsor a committee? If so, must the names of both sponsors be in the name of the committee?*
- A. Yes, more than one organization may sponsor a committee. Since the sponsors are members of one industry or other identifiable group, a term identifying that industry or group may be used. In this case, an appropriate name for the committee could be "Heating and Air Conditioning Industry Political Action Committee."
- Q. *During the calendar year, the committee changed status from a state committee to a city committee. Which filing officers receive the Form 410 amendment?*
- A. File the original Form 410 and a copy with the Secretary of State. File a copy with the city clerk's office.
- Q. *During the calendar year, the committee changed status from a city committee to a state committee. Which filing officers receive the Form 410 amendment?*
- A. File the original Form 410 and a copy with the Secretary of State. Although not required, it is recommended that a copy is filed with the city's clerk's office so the city will not expect to receive future statements.



- Q. *Our political action committee has been registered for several years as a general purpose committee and has supported and opposed candidates and ballot measures in various elections. This year, the committee plans to raise and spend the majority of its funds to support a county ballot measure. Must we amend our registration to become a primarily formed ballot measure committee?*
- A. Possibly. An existing committee that has reason to know it may qualify as a primarily formed committee must review its status on a quarterly basis to determine whether it is primarily formed. If, upon review, the committee has made more than 70 percent of its total contributions and expenditures to support the county ballot measure, it will be required to change its status from general purpose to primarily formed. (See Regulation 18247.5.)

## Authority

The following Government Code sections and Title 2 regulations provide authority for the information in this chapter:

### Government Code Sections

- 81004 *Reports and Statements; Perjury; Verification.*
- 81004.5 *Reports and Statements; Amendments.*
- 81007 *Mailing of Report or Statement.*
- 82013 *Committee.*
- 82015 *Contribution.*
- 82027.5 *General Purpose Committee.*
- 82047.6 *Principal Officer.*
- 82048.7 *Sponsored Committee.*
- 84100 *Treasurer.*
- 84101 *Statement of Organization; Filing.*
- 84101.5 *Annual Fees.*
- 84102 *Statement of Organization; Contents.*
- 84103 *Statement of Organization; Amendment.*
- 84106 *Sponsored Committee; Identification.*
- 84214 *Termination.*
- 84215 *Campaign Reports and Statements; Where to File.*
- 85203 *Small Contributor Committee.*

### Title 2 Regulations

- 18215 *Contribution.*
- 18247.5 *Primarily Formed and General Purpose Committees.*
- 18402 *Committee Name.*
- 18402.1 *Principal Officers.*
- 18404 *Termination of Candidate's and Committees' Filing Requirements.*
- 18410 *Statement of Organization.*
- 18419 *Sponsored Committees.*
- 18421.2 *Street Address.*
- 18426.1 *Assistant Treasurer.*
- 18427 *Duties of Treasurers and Candidates with Respect to Campaign Statements.*
- 18503 *Small Contributor Committees.*